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17 IN THE UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA  
19

20 COOPER GILLESPIE, LEIGHTON  
WYNTER, CHRISTOPHER CASTLE,  
21 MICHAEL CONWAY, WILLIAM SEAN  
DUNEGAN, SKYLER FISK, JEFF FOLZ,  
22 RANDY HILL, AND DENNIS WALSH, on  
behalf of themselves and all others  
23 similarly situated,

24 Plaintiffs,

25 v.

26 LUMENIS INC., and DOES 1 through 10  
inclusive,

27 Defendant.  
28

Case No. 3:17-cv-2080-EMC

**STIPULATION AND [PROPOSED] ORDER  
TO SHORTEN TIME FOR HEARING  
PLAINTIFFS' MOTION FOR  
SETTLEMENT APPROVAL**

1 Plaintiffs COOPER GILLESPIE, LEIGHTON WYNTER, CHRISTOPHER CASTLE,  
2 MICHAEL CONWAY, WILLIAM SEAN DUNEGAN, SKYLER FISK, JEFF FOLZ, RANDY HILL,  
3 AND DENNIS WALSH on behalf of themselves and the opt-in Plaintiffs, and Defendant LUMENIS  
4 INC. (collectively, the "Parties"), by and through their counsel of record, hereby stipulate and agree  
5 as follows:

6 1. On April 13, 2017, Plaintiffs filed a Putative Collective Action Complaint for  
7 Damages and Restitution ("Complaint") against Defendant, alleging misclassification of its Customer  
8 Service Engineers as exempt employees. (ECF 1)

9 2. On May 16, 2017, Defendant filed an Answer to the Complaint. (ECF 11)

10 3. On July 10, 2017, the Parties filed a Joint Stipulation for Conditional  
11 Certification and Notice. (ECF 22)

12 4. On July 17, 2017, the Court granted conditional certification and ordered notice  
13 to proceed. (ECF 27)

14 5. On July 17, 2017, the Court also ordered the Parties to attempt settlement  
15 through a private alternative dispute resolution process to be conducted on September 18, 2017, with  
16 mediator Steve Rottman. (ECF 28)

17 6. On July 27, 2017, the Parties appeared before the Court for a Case Management  
18 Conference ("CMC"). At the CMC, the Court stayed formal discovery in anticipation of the September  
19 18, 2017 private mediation, and set a further CMC for November 16, 2017, with a joint CMC statement  
20 to be filed no later than November 9, 2017. (ECF 32)

21 7. On September 18, 2017, the Parties attended a full day mediation with mediator  
22 Steve Rottman, but were unable to fully resolve their disputes at that time.

23 8. On October 17, 2017, the Court Ordered a continuance of the CMC, stay of  
24 formal discovery deadlines, and tolling in light of the Parties' scheduled mediation on November 15,  
25 2017. (ECF 39)

26 9. On November 15, 2017, the Parties attended a second day of mediation and  
27 successfully arrived at a Memorandum of Understanding ("MOU") as to the material terms of a  
28 settlement at that time.



PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 1/31, 2018

United States District Judge

Any opposition to the motion for settlement  
approved shall be filed by Feb. 12, 2018.  
No reply brief unless otherwise ordered.

